



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-19-18

Property Address: 2820 O'Berry Street

Property Owner: Latta Investment Partners, LLC

Project Contact: Benjamin Kuhn

Nature of Case: A request for a 3.76' variance to the minimum lot width requirements set forth in Section 2.2.1. of the Unified Development Ordinance in order to create a two lot subdivision that results in two 41.24' wide lots being created out the existing .35 acre parcel zoned Residential-10 and located at 2810 O'Berry Street.

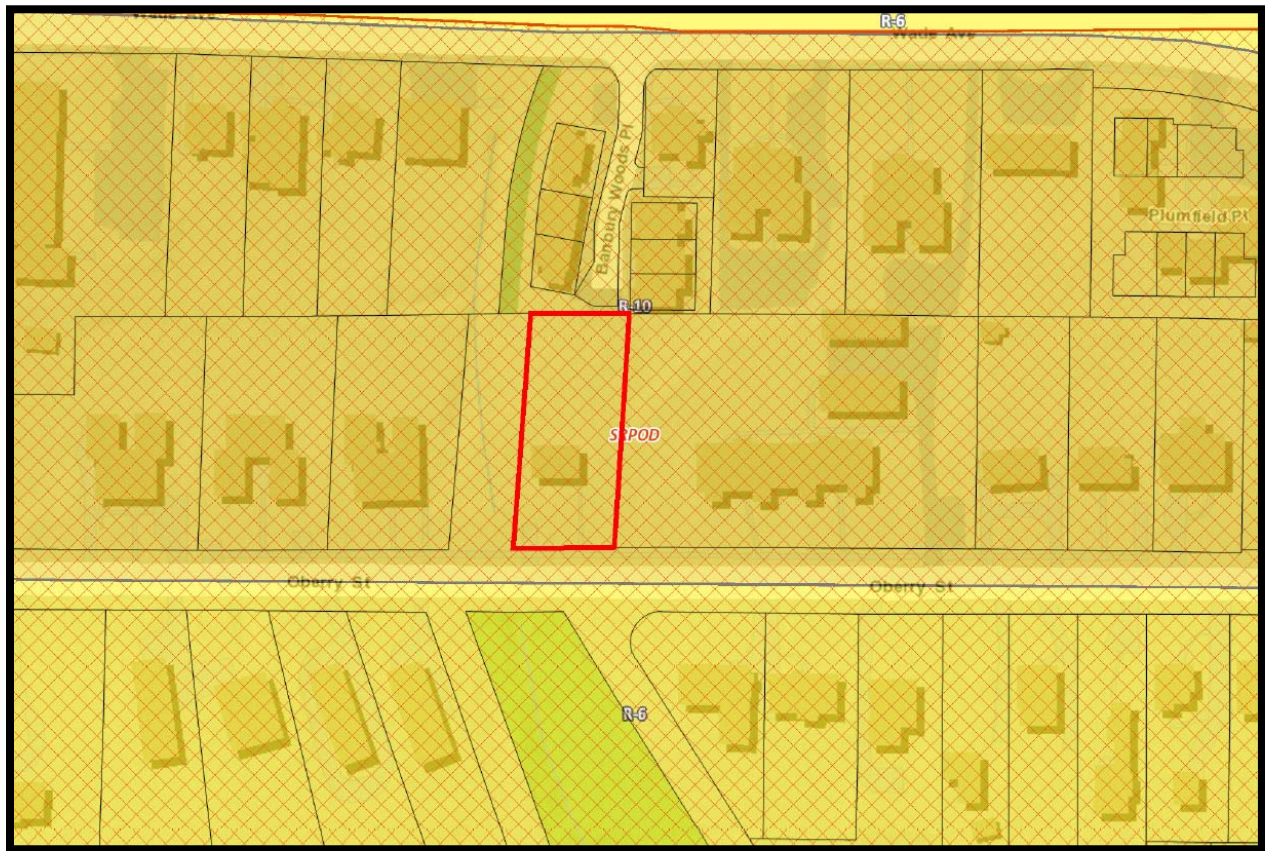


2820 O'Berry Street – Location Map

To BOA: 2-12-18

Staff Coordinator: Eric S. Hodge, AICP

ZONING
DISTRICTS: Residential-10



2820 O'Berry Street – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Residential-10

| R-10 | Lot Dimensions |
|----------------------------|-----------------------|
| Area (min) | 4,000 SF |
| Width – interior lot (min) | 45' |
| Width – corner lot (min) | 60' |
| Depth - | 60' |

| R-6: Yard Type | Principal Structure Minimum Setback |
|-----------------------|--|
| Primary Street | 10' |
| Side Street | 10' |
| Side | 5' |
| Sum of Sides | 10' |
| Rear | 20' |

| R-6: Yard Type | Accessory Structure Minimum Setback |
|-----------------------|--|
| Primary Street | 50' |
| Side Street | 20' |
| Side | 5' |
| Rear | 5' |

Application for Variance

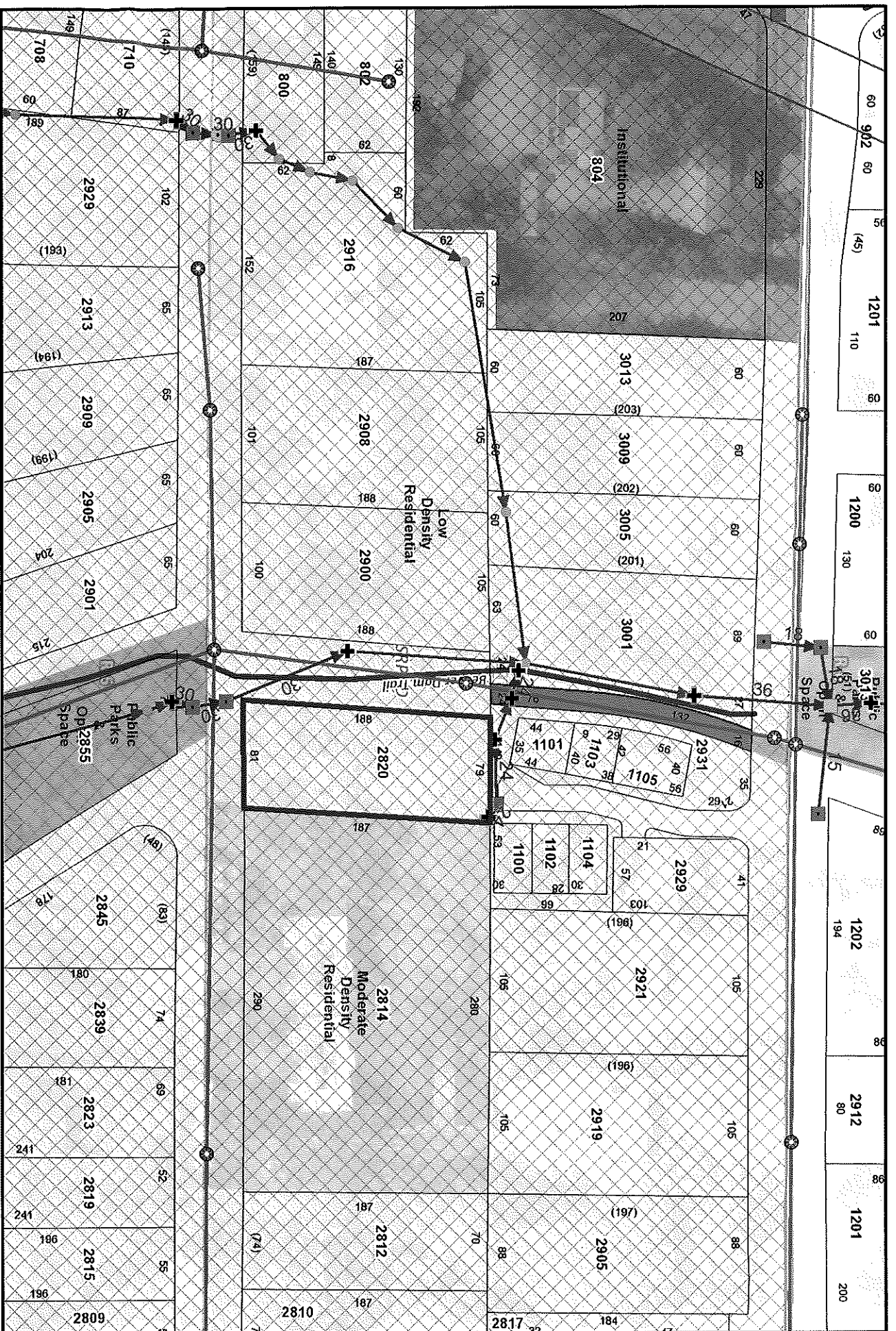


Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

| NATURE OF REQUEST | OFFICE USE ONLY |
|---|--|
| Nature of variance request (if more space is needed, submit addendum on separate sheet): Variance of 3.76' to the 45' lot width requirement for each of two lots to be subdivided from an existing .35 acre lot located at 2820 O'Berry Street which is zoned R-10. <i>See attached.</i> | Transaction Number <i>A-19-18</i> |
| Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number. 514204; S-26-17 | |

| GENERAL INFORMATION | | |
|--|---|---------------------------|
| Property Address | 2820 O'Berry Street | |
| Date | | |
| Property PIN | 0794.11-66-6320 | Current Zoning R-10 |
| Nearest Intersection | O'Berry St and Dixie Trail | |
| Property size (in acres) | .35 | |
| Property Owner | Latta Investment Partners, LLC | Phone 919.247.1932 Fax |
| Owner's Mailing Address | 717 Latta St. (Raleigh) | Email jcebina@hotmail.com |
| Project Contact Person | Ben Kuhn | Phone 919.881.2201 Fax |
| Contact Person's Mailing Address | 2840 Plaza Pl, Ste 400, Ral (27612) | Email bkuhn@rl-law.com |
| Property Owner Signature | <i>[Signature]</i> Email jcebina@hotmail.com | |
| Notary | Notary Signature and Seal | |
| Sworn and subscribed before me this <u>14th</u> day of <u>December</u> , 20 <u>17</u> | <i>[Signature]</i> <div style="border: 1px solid black; padding: 5px; text-align: center;">Benjamin R. Kuhn Notary Public Wake County North Carolina My Commission Expires 6/16/2019</div> | |



Disclaimer
Maps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

Wade Ave

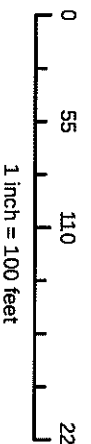
Wade Ave

Banbury Woods Pl

Plum

Oberry St

Oberry St



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| PIN | Owner | Mail Address 1 | Mail Address 2 |
|-----------|--|------------------------|------------------------|
| 794656983 | RALEIGH CITY OF | PO BOX 590 | RALEIGH NC 27602-0590 |
| 794664380 | BRADLEY, OLIVER T BRADLEY, BETTY A | 227 FOREST RD | RALEIGH NC 27605-1757 |
| 794665016 | CARLTON, CHARLES H CARLTON, M CAROLINE | 102 SUNSET POINT RD | BEAUFORT NC 28516-9462 |
| 794665523 | LOCHWOOD PROPERTIES LLC | 106 RUSTIC WOOD LN | CARY NC 27518-9770 |
| 794666320 | LATTA INVESTMENT PARTNERS, LLC | 717 LATTA ST | RALEIGH NC 27607-7203 |
| 794666413 | HIATT, SARA ANN | 1101 BANBURY WOODS PL | RALEIGH NC 27607-3743 |
| 794666427 | BURRIS, SHERRY L | 1103 BANBURY WOODS PL | RALEIGH NC 27607-3743 |
| 794666531 | MEEKINS, WILLIAM MEEKINS, ROBERTA | 17640 PRINCE EDWARD DR | OLNEY MD 20832-2141 |
| 794666534 | BANBURY WOODS PLACE HOMEOWNERS ASSOCIATION INC | 1105 BANBURY WOODS PL | RALEIGH NC 27607-3743 |
| 794667039 | MCGILL, ALICIA B MCGILL, DRU E | 2845 OBERRY ST | RALEIGH NC 27607-4111 |
| 794667401 | SAVIC, DUSAN SAVIC, GORDANA | 1406 SYCAMORE ST | RALEIGH NC 27604-1325 |
| 794667404 | OLSON, KURT J | 1102 BANBURY WOODS PL | RALEIGH NC 27607-3741 |
| 794667407 | MCCULLEY, MICHAEL A MCCULLEY, MARIANA S | 48 SPINNAKER POINT RD | ORIENTAL NC 28571-9598 |
| 794667497 | CGC RENTALS, LLC | 6112 CRESCENT KNOLL DR | RALEIGH NC 27614-8954 |
| 794667524 | DODICK, BRANDON M. BETZHOUD-MORGAN, STACY | 2929 WADE AVE | RALEIGH NC 27607-4118 |
| 794668209 | WILLOWWOOD LLC | J. ROGER EDWARDS, JR. | PO BOX 6189 |

